IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

LEROY FULTON,) CIVIL ACTION NO:
) 2:15-4355-RMG-BM
Plaintiff,)
)
vs.)
)
CHRISTOPHER NISBET, IN)
HIS INDIVIDUAL CAPACITY,)
)
Defendant.)

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VIDEOTAPED
DEPOSITION OF: CHRISTOPHER NISBET

DATE TAKEN: Friday, November 18, 2016

TIME: 10:02 a.m.

PLACE: McLeod Law Goup, LLC
3 Morris Street, Suite A
Charleston, South Carolina

REPORTED BY: EVE WILBANKS
Registered Professional
Reporter, Certified LiveNote
Reporter and Notary Public

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POST OFFICE BOX 21784
CHARLESTON, SOUTH CAROLINA 29413-1784

to John Mauldin?
A. I can't remember speaking to John Mauldin. It's been -- if I have, it's been probably around the time of the incident, maybe.
Q. Okay. Do you know, how many times have you spoken to him?
A. I don't remember. Three, four, maybe. Honestly, I don't have a clue.
Q. Do you have his phone number programmed in your phone?
A. I do not believe so, no.
Q. Okay. Would you check for me?
A. Man, I just turned it off. Sure. It will take a second to come on.
Q. That's fine. We'll move on for a minute. Let me ask you if you agree with this statement. Okay?
A. Okay.
Q. "The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized"?

MR. KOZACKI: Object to the form. You can answer.

A. What is the question?

Q. Do you agree with that statement?

A. No.

Q. What about that statement do you not agree with?

A. If you commit a felony, I don't believe you should be able to hide in your residence to be free from prosecution or arrest or anything like that.

Q. Okay. Do you disagree that people have a basic fundamental right to be secure in their homes?

A. Do I disagree?

Q. Yes.

A. No.

Q. Do you disagree that people have a fundamental right to be secure in their persons?

A. No.

Q. And is there any waiver on that?

MR. KOZACKI: Object to the form. You can answer.

A. Like I said, I don't believe you should be able to harbor yourself in your residence or flee if you've committed felonies, no.

Q. Okay. You understand that there's a warrant requirement for that, correct?

MR. KOZACKI: Object to the form.

A. No, there's not, actually.

Q. Okay. So you don't believe that there is a warrant requirement to arrest somebody for a crime?

MR. KOZACKI: Object to the form.

A. Absolutely not.

Q. Okay. Do you agree with me that the Fourth Amendment applies to all people, regardless of race, religion, gender or ethnicity?

MR. KOZACKI: Object to the form.

A. The Fourth Amendment being?

Q. The right of -- do you know what the Fourth Amendment is?

A. That's what I'm asking you.

Q. Okay. I would submit to you that the Fourth Amendment is what I read to you. "The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly

A. I believe that to be correct, yeah.

Q. And by the time you became coroner, you had been, I guess, working at the coroner's office for a period of time?

A. Yeah. Well, I had been with the previous coroner for like five years. So I had been to the basic coroner training at SLED and other classes -- I think I went to homicide investigation. I took some -- I took -- I got as much education on it as possible because it was just very interesting to me.

Q. Okay. And the coroner is a constitutional officer in South Carolina; is that correct?

MR. KOZACKI: Object to the form.

A. Correct.

Q. Okay.

(Plaintiff's Exhibit No. 7, Duties of Dorchester County Coroner, was marked for identification.)

Q. I'm going to hand you what we've marked as Plaintiff's Exhibit 7. Is that your signature at the bottom of that page?

A. Yes. Yes.

Q. Okay. And on the top left of that page,

A. In -- unless -- it's not dated, but unless it was changed in the -- you know, the previous budgets or whatever, I believe it would still be.

Q. Do you recall changing that at all?

A. Alice handled all my budgetary stuff. But I mean, something like that I would have signed off on. So if you have a more current one that I have a signature on, then that's possible. But this also could have been one of my signature stamps. I mean, my signature is a little bit sloppier than that, but -- but I don't remember changing it.

Q. Okay. And I'll submit to you that that's the only one that's been provided to me by Dorchester County.

A. Okay. All right.

Q. So I'm seeing if you have any specific knowledge or specific memory that would have changed that document?

A. Probably not. Probably not.

Q. And as the coroner, you were on duty 24 hours a day, seven days a week?

A. Yes, sir.

Q. Okay. And so once you were the coroner,

A. Because we're on call 24 hours a day, seven days a week, you have to be able to go to the grocery store at some point, and we're still on call. So, many times, I've left groceries in a buggy or had to walk out of a movie or whatever. So I don't want not having your vehicle to be the reason that your response time is extended, because of the situation and circumstances we work under.

Q. Okay. And that's essentially because you and your employees are on duty all the time?

A. 24/7.

Q. All right. How often did you attend training at the South Carolina Criminal Justice Academy?

A. Training provided by them or at their facility?

Q. Provided by them.

A. Oh, I can't recall. Over 25 years, I mean, they've sponsored different training events and stuff that the Coroners Association would put on. But I mean --

Q. When you go to those trainings, do you have to keep a log? Do you have to sign in?

A. Usually we would sign in in the morning

one of my other deputy coroners, Linda Walsh.
Q. And Linda Walsh, she was a former Dorchester County Sheriff's officer?
A. Correct.
Q. And so she had weapons training through -- at the sheriff's office --
A. Correct.
Q. -- that she brought to the coroner's office?
A. Correct.
Q. And it's my understanding that one of the qualifications to be a coroner can be that you've been in the sheriff's office or you've been in other law enforcement capacity; is that correct?
A. The new qualifications, yes.
Q. Okay. So is there any written policy about -- at the Dorchester County Coroner's Office, about how much training the coroner or a deputy coroner must have before they're issued a firearm?
A. Just what the state law states, that they have to go through a mandatory SLED-approved course.
Q. Okay.

there any other additional requirement that you imposed on your deputy employees to have training with a firearm?

A. No.

Q. Okay. Or firearm safety?

A. No.

Q. What is the protocol, policy or procedure for when the coroner or a coroner's deputy or a deputy coroner may use a firearm on a private citizen?

MR. KOZACKI: Object to the form.

A. What is the policy?

Q. Yes.

A. There isn't one.

Q. Okay. Is there any difference in protocol or policy for when the coroner or deputy coroner may display a firearm versus shoot the firearm?

A. It depends on the -- it depends on the situation that they're in.

Q. What I'm asking you, is there any written protocol for that?

A. No.

Q. And at the time of the incident giving rise to this litigation, you did not currently specifically tell me what training that you've had by either South Carolina Law Enforcement Division or the South Carolina Criminal Justice Academy or any other sanctioned entity in proper criminal investigation.

A. I've had dozens of them throughout the years that were put on by different training agencies that were all approved by different law enforcement agencies; like we don't just go to the death because -- in the South Carolina law books also, it says that a coroner can detain somebody without a warrant and hold them indefinitely if they think that they've committed a felony. But it doesn't --

Q. What law is that?

A. It's in the law book. I don't know a specific law off the top of my head, but that's how come --

Q. How did -- when were you trained on that?

A. It's in the law book. I have a set of law books. I used to read them.

Q. Okay. If I send a request for production to your attorney for the law book that you're citing to, would you be able to provide

that to him?
A. I don't think I've ever told him.
Q. Okay.
A. I can find it for you.
Q. Well, I mean, is it a secret?
A. No. But I don't know the number. Do you know every code that's in the law book?
Q. No.
A. No, of course, you don't. Right. But I remember reading it, and that's what I used -- the sheriff's department would say, You go on in there, because we have to have a warrant and you don't. And I know that.
Q. Okay. So is it your understanding that you can search and seize individuals, as the coroner, without a warrant?
A. If it's pertaining to a death.
Q. Okay.
A. Correct.
Q. Were you ever trained by South Carolina Law Enforcement Division or the South Carolina Criminal Justice Academy on the policies, procedures and protocol for the correct steps to take when suspected criminal activity is witnessed?

A. He's the one who told me what Leroy said. I just saw Leroy with a gun in his hand.
Q. Right. You made no effort to verify what John Mauldin told you?
MR. KOZACKI: Object to the form.
A. I made no effort to verify what John Mauldin told me?
Q. Yes.
A. John Mauldin is the one that told me.
Q. Right. You made no effort to verify what he told you that Leroy Fulton said?
A. No. Because I saw Mr. Fulton with a gun in his face, and that's enough. Because I witnessed a felony. That's a felony.
Q. You believe that's a felony?
A. It is a felony.
Q. But you would agree with me that you have no law enforcement training?
A. I am law enforcement. I have law enforcement retirement. I drive a law enforcement vehicle with blue lights. They give us guns. I mean, I fall under the law enforcement category, yes, I do -- or did. Sorry. Not any longer.
Q. Okay. On that night, though, you made no effort to speak with Mr. Fulton, did you?

A. I had a volunteer that I think we had to fire for incompetency.
Q. And who was that?
A. The one that just recently ran for coroner in Dorchester County and got beat.
Q. What is his name?
A. Randy Brown. My chief black -- my black chief deputy -- I had two chief deputies at the time. My black chief deputy is Perida Moultrie. The other one is Alice Durr. She actually is the one that came to me and said, We've got to fire that dude. And so -- but I don't think it was -- I don't think that was 2015. I think that was -- I think it might have been the year before that. But Joe Woods was a fireman; he was a volunteer in my office for a long time.
Q. How many times have you conducted traffic stops using your Dorchester County Coroner's Office vehicle?
A. A couple.
Q. How many other people besides Leroy Fulton have you stopped?
MR. KOZACKI: Object.
A. I didn't stop Leroy Fulton. He pulled over, and I pulled next to him.

Q. Besides that incident, how many other times have you stopped people in your county vehicle?

A. That's the same question you just asked me, and I said a couple.

Q. Okay. Let me ask you this: How often do you use the N-word?

A. Not very often.

Q. What does that word mean to you?

A. Another word for a thug.

Q. Okay.

A. It's all on the radio.

Q. Would you use -- would you use the N-word to address people that you respect?

A. Absolutely. They call me that too. I have one of my very best friends that's black, and he calls me the N-word all the time.

Q. How many times, before you called Doug Wright and called Leroy Fulton the N-word, have you used the N-word?

A. That night?

Q. No.

A. The same -- probably the same amount of times as you have. I don't remember. I mean, I don't remember. So you're saying that you've

calls a black man the N-word, is that okay?
A. I have -- one of my very best friends are black, and I call him it all the time because we joke around. Do you know what "peckerwood" means? It's the same thing, but a white man.
Q. So you don't believe that a white man addressing an African-American man as a "nigger" is hate speech?
A. You've got to put more into that -- you just can't ask an open question like that. Because if it's between me and my best friend, no.
Q. In the context that you used it on August 25th of 2015, you would agree --
A. I used it in the term of a gangster-type thug, yes, I did.
Q. And the way that you used it --
A. Yes. His lifestyle, he is a thug, and I called him that that night to Doug on a private phone conversation that was illegally recorded, correct.
Q. Would you agree with me that there should be no tolerance for elected officials to use the N-word?
A. That's -- I mean, that's a personal preference. You can't tell an elected official

what to do. That's the great thing about South Carolina, right?

Q. Is that --

A. Hillary Clinton said it, but she was still up for election here recently. And she's a Democrat, so, I mean, what does that tell you?

Q. So it's your opinion that an elected official can do whatever they want?

A. No. I said they can have the freedom to think whatever they want and say what they want, with the only person that can be affected by their actions or statements are me or that person or whoever the elected person is.

Q. What I'm asking you is, would you agree with me that there is no tolerance for an elected official to call another person the N-word?

A. Is there no tolerance? That's not -- that sentence doesn't even make sense. Put it in layman's terms. Do I believe it's okay for an elected official to use the N-word?

Q. Yes.

A. Well, it depends on who they're talking to and where they're at.

Q. Okay.

A. You mean to tell me that I can't call my friend of 29 years that?

Q. In the context that you used it on August 25th --

A. Correct. Okay.

Q. -- it's unacceptable?

A. No. Because it was on a private phone conversation that I've had ten times prior to that, with a known thug across the street.

Q. Okay. Would you agree with me that by referring to Mr. Fulton as the N-word, that you were in violation of the Dorchester County policy on -- that we read at the beginning of this deposition?

A. Elected officials don't have to follow that. But, also, it was a private phone conversation. You know what? It's just like you farting in a restaurant. That's not acceptable, and there's probably policies out there, but people do it. But I was on a private phone conversation with the captain of the Summerville Police Department, that was illegally recorded and used to my detriment, and it was for nobody else to hear. It was two guys that have known each other for 30 years, and I've called him ten times in the past year about this thug living across the

I would have went back inside and finished my beer and smoked my cigar. Nobody is perfect. So, no, I didn't do everything perfect, but I would do it again.

Q. In your text messages, you also say, This is going to do nothing but give me press time for reelection. Do you intend to run for coroner again?

A. I was going to until that was part of the plea bargain.

Q. Okay. And is it your understanding that the press that you were getting from your actions that night were going to bolster your ability to get reelected?

A. You know what? You're probably the only person I've ever met that is not sick of thugs in their life and in their communities, killing people, killing innocent people and all that stuff. You're like the only person I've met that is not sick of that. So, yes, I am sick of that. And you know what? Yes, and I put my foot down. I lost everything: My job, my career, everything. But you know what? I would do it again, because I believe in what I believe in.

Q. And that's thugs will be thugs?

A. No. He --
Q. He was your friend?
A. No. Whenever we needed him, he would do it, and I would pay him, just like my chaplain. I pay him on a per call basis, because I didn't have a budget line item just for that.
Q. All right. Let me ask you this: You texted Alice that, "Leroy Fulton was shot and wounded in West Ashley this morning during some type of disturbance at 4 a.m. in his backyard, no suspects. Karma is a bitch." Do you remember that?
A. Absolutely.
Q. Okay. And later she asks, Was that good for you? Do you remember that?
A. And I probably said, If he had died, yeah.
Q. You said "Indeed"?
A. Yeah. I probably meant if he had died, but --
Q. How is Leroy Fulton or another human being shot good for you?
A. Because he's a thug. And being out at four o'clock in the morning on a Tuesday, getting shot three times, once in the stomach, twice in

the back -- just because you confronted somebody, they capped you in the stomach, you turn around and ran, and they shot you twice in the back.

Q. Do you have any personal or specific knowledge about that incident?

A. I've got all kinds of knowledge about all kinds of stuff.

Q. You also told Alice Durr that Leroy Fulton got evicted by the church that owns his house?

A. Karma. It's horrible.

Q. And how -- what specific knowledge do you have that he was evicted?

A. Because I'm the caretaker of the church across the street from my house because it's one of the oldest churches in Dorchester County, and I'm a master craftsman so I do stuff for them. I even pay their light bill once in a while, and I look out for them.

Q. Okay.

A. And the preacher, who happens to be black, is actually a good friend of mine.

Q. And so how did you find out that Mr. Fulton was evicted, or how did you come to that belief?

Q. Okay.
MR. KOZACKI: I'm going to instruct you not to divulge any conversations you may have had with either myself or your other lawyers.
THE WITNESS: Okay. Sorry.
BY MR. COOPER:
Q. Mr. Nisbet, let me ask you this: Do you understand that this lawsuit is against you?
A. No. Because it's not very clear, actually.
Q. Well, do you understand that if there is no insurance or that if there is not enough insurance coverage, that you could be held personally responsible?
A. Yeah. I can understand that. But you can't get blood from a turnip. So get whatever you call it, a judgment. Oh, well. I mean, what -- I don't have any money. I lost everything, Mr. Cooper. That's what you don't seem to understand.
Q. Well, do you understand that a judgment could affect the property that you do own and your ability to own property in the future?
A. I could (sic) care less. I really could. As long as I've got my kids, my health and my little job, I'm good.

Place Holder

Exhibit 3

Video Deposition Excerpts

Exhibit will be sent to chambers and defense counsel. Can also be accessed via link provided in footnote.